

STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD

ZABALA FARMS OF SALINAS, LLC,	) Case No. 2021-CE-018-SAL
	)
Respondent,	) (49 ALRB No. 1)
	)
and	) ORDER GRANTING REGIONAL
	) DIRECTOR'S REQUEST TO SEEK
BERENICE VARGAS MARTINEZ,	) ENFORCEMENT PURSUANT TO
	) LABOR CODE SECTION 1160.8
	)
Charging Party.	)
	)
	) Admin. Order No. 2023-17
	)
	) (November 16, 2023)
	)

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On July 12, 2021, respondent Zabala Farms of Salinas, LLC (Zabala) terminated the employment of charging party Berenice Vargas Martinez (Martinez) after she and other workers protested a reduction in their piece-rate wages. The General Counsel issued a complaint alleging Zabala violated the Agricultural Labor Relations Act (ALRA or Act) by terminating her in retaliation for engaging in concerted activity protected under the Act. Zabala did not answer the complaint, and the General Counsel moved for entry of default, which the administrative law judge (ALJ) granted. No party filed exceptions.

On February 21, 2023, the Agricultural Labor Relations Board (ALRB or Board) issued its decision and order *Zabala Farms of Salinas, LLC (2023)* 49 ALRB No. 1, modifying the ALJ's recommended order, which includes both

monetary and non-monetary remedies. No petition for review of the Board’s decision was filed, and the matter was released for compliance on March 27, 2023.

On October 9, 2023, the Regional Director filed with the Board a request to seek court enforcement of the Board’s order pursuant to Labor Code 1160.8.<sup>1</sup> The Regional Director states that Zabala has failed to comply with any of the terms of the Board’s order. The request outlines the regional staff’s efforts to obtain voluntary compliance with the Board’s order between April 28, 2023, and the present. Documentary evidence supporting the allegations of noncompliance is attached to the Regional Director’s request.

On November 3, 2023, the Board issued an order that respondent Zabala show cause, if any exists, why the Board should not grant the Regional Director’s request to seek enforcement of the Board’s order pursuant to Labor Code section 1160.8. The deadline for the response was close of business on Thursday, November 9, 2023. No response was received.

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<sup>1</sup> Section 1160.8 states, in pertinent part, that “if time for review of the board order has passed, and the [Respondent] has not voluntarily complied with the board’s order, the board may apply to the superior court in any county in which the unfair labor practice occurred or wherein [Respondent] resides or transacts business for enforcement of its order.”

PLEASE TAKE NOTICE that the Regional Director's request to seek court enforcement pursuant to Labor Code 1160.8, of the Board's order in *Zabala Farms of Salinas, LLC* (2023) 49 ALRB No. 1, is GRANTED.

DATED: November 16, 2023

Victoria Hassid, Chair

Isadore Hall, III, Member

Barry D. Broad, Member

Ralph Lightstone, Member

Cynthia N. Flores, Member

**STATE OF CALIFORNIA  
AGRICULTURAL LABOR RELATIONS BOARD**

**PROOF OF SERVICE**  
(Code Civ. Proc., §§ 1013a, 1013b, 2015.5)

Case Name: ZABALA FARMS OF SALINAS, LLC , Respondent; and  
BERENICE VARGAS MARTINEZ, Charging Party

Case No.: Case No. 2021-CE-018-SAL

I am over the age of 18 years and not a party to this action. I am employed in the County of Sacramento. My business address is 1325 J Street, Suite 1900-B, Sacramento, California 95814.

On November 16, 2023, I served this **ORDER GRANTING REGIONAL DIRECTOR'S REQUEST TO SEEK ENFORCEMENT PURSUANT TO LABOR CODE SECTION 1160.8 (Administrative Order No. 2023-17)** on the parties in this action as follows:

- **By Email** to the parties pursuant to Board regulations 20164 and 20169 (Cal. Code Regs., tit. 8, §§ 20164, 20169) from my business email address [angelica.fortin@alrb.ca.gov](mailto:angelica.fortin@alrb.ca.gov):

Alejandro H. Herrera, Esq. [Alex@HCH.law](mailto:Alex@HCH.law)  
Herrera Clifton Hess, P.C.  
Counsel for Respondent Zabala Farms of Salinas, LLC

Julia L. Montgomery [Julia.Montgomery@alrb.ca.gov](mailto:Julia.Montgomery@alrb.ca.gov)  
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Salinas Regional Director  
David Sandoval [David.Sandoval@alrb.ca.gov](mailto:David.Sandoval@alrb.ca.gov)  
Deputy General Counsel

- **By Certified Mail** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Sacramento, California, addressed as follows:

Berenice Vargas Martinez  
11305 Del Monte Avenue # 18  
Watsonville, CA 95012  
Certified U.S. Mail # 70221670000151583163

Executed on November 16, 2023, at Sacramento, California. I certify under penalty of perjury that the foregoing is true and correct.

*Angelica Fortin*  
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Angelica Fortin, Legal Secretary